

Interpreter, Termed, White

**U.S. District Court
Northern District of Ohio (Cleveland)
CRIMINAL DOCKET FOR CASE #: 1:11-cr-00187-JG All Defendants**

Case title: United States of America v. Torres-Chavez et al

Date Filed: 05/03/2011

Magistrate judge case numbers: 1:11-mj-03023-GW

Date Terminated: 11/03/2011

1:11-mj-03024-GW

Assigned to: Judge James S. Gwin

Defendant (1)

Jesus Torres-Chavez

Spanish Interpreter needed

TERMINATED: 11/03/2011

represented by **Leif B. Christman**

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Gregory S. Geist

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FILED

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SEP 24 2015

**THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT**

15 CR 558

Pending Counts

21:841(a)(1) and (b)(1)(B) and 846
Conspiracy to distribute heroin
(1)

Disposition

Custody of the Bureau of Prisons for a period of 70 months; 4 Years Supervised Release with Standard/Special Conditions; and \$100.00 Special Assessment. Amended Judgment pursuant to 18 USC Section 3582(c)(2) reducing sentence to 57 months. All other provisions of the 11/03/2011 Judgment shall remain in effect.

Highest Offense Level (Opening)

Felony

Terminated Counts

21:846 and 841(a)(1) and (b)(1)(B), and
18:2 Attempt to possess with intent to
distribute heroin
(2)

Disposition

Dismissed Upon Motion of counsel for
the government

Highest Offense Level (Terminated)

Felony

Complaints

21:841(a)(1), (b)(1)(B), and 846 -
Attempted possession with the intent to
distribute 100 grams but less than 1
kilogram of a mixture or substance
containing a detectable amount of
heroin, a Schedule I, controlled
substance

Disposition

Assigned to: Judge James S. Gwin

Defendant (2)

Daniel Lopez
Spanish Interpreter needed
TERMINATED: 11/03/2011

represented by **Craig T. Weintraub**
Ste. 1600
55 Public Square
Cleveland, OH 44113
216-896-9090
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

21:841(a)(1) and (b)(1)(B) and 846
Conspiracy to distribute heroin
(1)

Disposition

Custody of the Bureau of Prisons for a
period of 46 months; 3 Years
Supervised Release with
Standard/Special Conditions; and
\$100.00 Special Assessment

Highest Offense Level (Opening)

Felony

Terminated Counts

- 21:846 and 841(a)(1) and (b)(1)(B), and
 18:2 Attempt to possess with intent to
 distribute heroin
 (2)
 21:841(a)(1) and (b)(1)(B) Possess with
 intent to distribute heroin
 (3)

Disposition

Dismissed Upon Motion of Counsel for
 the Government

Dismissed Upon Motion of Counsel for
 the Government

Highest Offense Level (Terminated)

Felony

Complaints

- 21:841(a)(1), (b)(1)(B), and 846 -
 Attempted possession with the intent to
 distribute 100 grams but less than 1
 kilogram of a mixture or substance
 containing a detectable amount of
 heroin, a Schedule I, controlled
 substance

Disposition

Plaintiff

United States of America

represented by **Joseph P. Schmitz AUSA**
 Former Assistant U.S. Attorney
 Email: joseph.pinjuh@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/05/2011	<u>1</u>	Complaint signed by Magistrate Judge Greg White on 4/5/2011 as to Jesus Torres-Chavez (1). (Attachments: # <u>1</u> Affidavit) (S,S) [1:11-mj-03024-GW] (Entered: 04/06/2011)
04/05/2011		Case unsealed as to Jesus Torres-Chavez. (S,S) [1:11-mj-03024-GW] (Entered: 04/06/2011)
04/05/2011		Arrest of Jesus Torres-Chavez on 4/5/2011. (S,S) [1:11-mj-03024-GW] (Entered: 04/06/2011)
04/05/2011	<u>3</u>	Minutes of proceedings before Magistrate Judge Greg White. Initial Appearance as to Jesus Torres-Chavez held on 4/5/2011. Counsel appointed. Government moves for detention and requests 3-day continuance. Defendant

		requests additional 2 days and preliminary hearing. Preliminary/Detention Hearing set for 4/12/2011 at 2:30 p.m. in Courtroom 11B before Magistrate Judge Greg White. Defendant remanded to custody of U.S. Marshal. (Court Reporter: G. Staiduhar; Interpreter: Alvaro DeCola; PTS Officer: Patrick LaVecchia) (Time: 5 mins.) (S,S) [1:11-mj-03024-GW] (Entered: 04/06/2011)
04/05/2011	<u>4</u>	CJA 23 Financial Affidavit by Jesus Torres-Chavez. (S,S) [1:11-mj-03024-GW] (Entered: 04/06/2011)
04/05/2011		CJA 20 Appointment of Attorney Leif B. Christman for Jesus Torres-Chavez by Magistrate Judge Greg White on 4/5/2011. (S,S) [1:11-mj-03024-GW] (Entered: 04/06/2011)
04/05/2011	<u>1</u>	Complaint signed by Magistrate Judge Greg White on 4/5/2011 as to Daniel Lopez (1). (Attachments: # <u>1</u> Affidavit) (S,S) [1:11-mj-03023-GW] (Entered: 04/06/2011)
04/05/2011		Case unsealed as to Daniel Lopez. (S,S) [1:11-mj-03023-GW] (Entered: 04/06/2011)
04/05/2011		Arrest of Daniel Lopez on 4/5/2011. (S,S) [1:11-mj-03023-GW] (Entered: 04/06/2011)
04/05/2011	<u>3</u>	Minutes of proceedings before Magistrate Judge Greg White. Initial Appearance as to Daniel Lopez held on 4/5/2011. Counsel appointed. Government moves for detention and requests 3-day continuance. Defendant requests additional 2 days and preliminary hearing. Preliminary/Detention Hearing set for 4/12/2011 at 2:30 p.m. in Courtroom 11B before Magistrate Judge Greg White. Defendant remanded to custody of U.S. Marshal. (Court Reporter: G. Staiduhar; Interpreter: Alvaro DeCola; PTS Officer: Patrick LaVecchia) (Time: 5 mins.) (S,S) [1:11-mj-03023-GW] (Entered: 04/06/2011)
04/05/2011	<u>4</u>	CJA 23 Financial Affidavit by Daniel Lopez. (S,S) [1:11-mj-03023-GW] (Entered: 04/06/2011)
04/05/2011		CJA 20 Appointment of Attorney Craig T. Weintraub for Daniel Lopez by Magistrate Judge Greg White on 4/5/2011. (S,S) [1:11-mj-03023-GW] (Entered: 04/06/2011)
04/06/2011	<u>5</u>	Order Scheduling Preliminary/Detention Hearings as to Jesus Torres-Chavez. Preliminary/Detention Hearing set for 4/12/2011 at 2:30 p.m. in Courtroom 11B. Pending the hearing, the defendant is to be detained. Signed by Magistrate Judge Greg White on 4/6/2011. (S,S) [1:11-mj-03024-GW] (Entered: 04/06/2011)
04/06/2011	<u>5</u>	Order Scheduling Preliminary/Detention Hearings as to Daniel Lopez. Preliminary/Detention Hearing set for 4/12/2011 at 2:30 p.m. in Courtroom 11B. Pending the hearing, the defendant is to be detained. Signed by Magistrate Judge Greg White on 4/6/2011. (S,S) [1:11-mj-03023-GW] (Entered: 04/06/2011)
04/08/2011	<u>6</u>	Notice of Substitution of Attorney. Edward F. Feran removed from case, Joseph P. Schmitz appearing for USA.(Schmitz, Joseph) [1:11-mj-03024-GW] (Entered: 04/08/2011)
04/08/2011	<u>6</u>	

		Notice of Substitution of Attorney. Edward F. Feran removed from case, Joseph P. Schmitz appearing for USA.(Schmitz, Joseph) [1:11-mj-03023-GW] (Entered: 04/08/2011)
04/11/2011	<u>7</u>	Motion for Appointment of Interpreter <i>and to expend funds</i> by Jesus Torres-Chavez. (Christman, Leif) [1:11-mj-03024-GW] (Entered: 04/11/2011)
04/12/2011	<u>8</u>	Amended Order Scheduling Preliminary/Detention Hearings as to Jesus Torres-Chavez. Signed by Magistrate Judge Greg White on 4/12/2011. (S,S) (Amended to correct name of defendant.) [1:11-mj-03024-GW] (Entered: 04/12/2011)
04/12/2011		Minutes of proceedings [non-document] before Magistrate Judge Greg White. Preliminary/Detention Hearings as to Jesus Torres-Chavez held on 4/12/2011. AUSA Joseph Schmitz present for the government. Attorney Leif Christman present for defendant. Defendant waives hearings; waivers executed. Matter bound over to the Grand Jury for further proceedings. Defendant remanded to custody of U.S. Marshal. (Court Reporter: ECRO [D. Bettis]; Interpreter: Alvaro DeCola; PTS Officer: Pat LaVecchia) (Time: 5 mins.) (S,S) [1:11-mj-03024-GW] (Entered: 04/12/2011)
04/12/2011	<u>9</u>	Waiver of Detention Hearing by Jesus Torres-Chavez and Order signed by Magistrate Judge Greg White on 4/12/2011. (S,S) [1:11-mj-03024-GW] (Entered: 04/13/2011)
04/12/2011	<u>10</u>	Waiver of Preliminary Hearing by Jesus Torres-Chavez. (S,S) [1:11-mj-03024-GW] (Entered: 04/13/2011)
04/12/2011		Minutes of proceedings [non-document] before Magistrate Judge Greg White as to Daniel Lopez on 4/12/2011. AUSA Joseph Schmitz present for the government. Attorney Craig Weintraub present for defendant. Parties appeared for scheduled Preliminary/Detention Hearings. Defendant requests a continuance of the hearings to allow Pretrial Services to conduct a home investigation. Court grants request. Preliminary/Detention Hearing tentatively continued to 4/18/2011 at 2:00 p.m. before Magistrate Judge Nancy A. Vecchiarelli. (Court Reporter: ECRO [D. Bettis]; Interpreter: Alvaro DeCola; PTS Officer: Suzanne Evans) (Time: 7 mins.) (S,S) [1:11-mj-03023-GW] (Entered: 04/12/2011)
04/12/2011		Notice of Hearing [non-document] as to Daniel Lopez. Preliminary/Detention Hearings set for 4/18/2011 at 1:30 p.m. in Courtroom 10B before Magistrate Judge Nancy A. Vecchiarelli. (S,S) [1:11-mj-03023-GW] (Entered: 04/12/2011)
04/18/2011		Minutes of proceedings [non-document] before Magistrate Judge Nancy A. Vecchiarelli. Detention/Preliminary Hearings as to Daniel Lopez held on 4/18/2011. Craig Weintraub for defendant. Joseph Schmitz for government. Alvara DeCola, Interpreter. Testimony taken: SA Brian Randall for government; J. Lopez for defendant. Exhibits entered: Exhibits 1-3 for government; Exhibit 1 for the defense. Probable cause found, matter bound over to the Grand Jury. Detention pending trial ordered. (Court Reporter: D. Bettis) (S. Evans, Probation) Time: 1 Hour 14 Minutes. (G,W) [1:11-mj-03023-GW] (Entered: 04/18/2011)

04/19/2011	<u>11</u>	Arrest Warrant Returned Executed on 4/5/2011 as to Jesus Torres-Chavez. (B,B) [1:11-mj-03024-GW] (Entered: 04/19/2011)
04/19/2011	<u>7</u>	Order of Detention Pending Trial as to Daniel Lopez. (G,W) [1:11-mj-03023-GW] (Entered: 04/19/2011)
04/19/2011	<u>8</u>	Arrest Warrant Returned Executed on 4/5/2011 as to Daniel Lopez. (B,B) [1:11-mj-03023-GW] (Entered: 04/19/2011)
04/26/2011		Order [non-document] granting <u>7</u> Motion for Appointment of Interpreter and to expend funds as to Jesus Torres-Chavez (1). Magistrate Judge Greg White on 4/26/2011. (S,S) [1:11-mj-03024-GW] (Entered: 04/26/2011)
04/26/2011		CJA 21 as to Jesus Torres-Chavez: Appointment of Interpreter by Magistrate Judge Greg White on 4/26/2011. (S,S) [1:11-mj-03024-GW] (Entered: 04/26/2011)
05/03/2011	<u>12</u>	Indictment filed by USA as to Jesus Torres-Chavez (1) counts 1 and 2, Daniel Lopez (2) counts 1, 2 and 3. (Attachments: # <u>1</u> Designation Form and Signature Page) (S,He) (Entered: 05/03/2011)
05/03/2011		Random Assignment of Magistrate Judge pursuant to Local Criminal Rule 57.9. In the event of a referral, case will be assigned to Magistrate Judge Greg White. (S,He) (Entered: 05/03/2011)
05/04/2011	<u>13</u>	Notice as to Jesus Torres-Chavez and Daniel Lopez. Arraignment set for 5/10/2011 at 2:00 p.m. in Courtroom 442 before Judge David D. Dowd Jr. (Interpreter to be present-Alvaro DeCola). (M,De) (Entered: 05/04/2011)
05/10/2011		Minutes of proceedings [non-document] before Judge David D. Dowd, Jr. Joe Schmitz for the government, Leif Christman for defendant Torres-Chavez and Craig Weintraub for defendant Lopez present. Interpreter Alvaro DeCola sworn and present. Arraignment as to Jesus Torres-Chavez (1) as to Count 1 and 2 and Daniel Lopez (2) as to Count 1, 2, and 3 held on 5/10/2011. Pleas of Not Guilty entered to all Counts pertaining to each defendant. Jury Trial set for 6/20/2011 at 9:00 a.m.; Motions due by 6/2/2011; and Status Conference set for 6/9/2011 at 03:00 p.m. in Courtroom 442 before Judge David D. Dowd Jr. Defendants remain detained. (Court Reporter: Caroline Mahnke) Time: 30 Minutes. (M,De) (Entered: 05/10/2011)
05/10/2011	<u>14</u>	Notice of Discovery Request as to Jesus Torres-Chavez (Attachments: # <u>1</u> Defendant's Motion for Discovery)(Christman, Leif) (Entered: 05/10/2011)
05/10/2011	<u>15</u>	Motion for Information Relevant to Sentencing Computation by Jesus Torres-Chavez. (Christman, Leif) (Entered: 05/10/2011)
05/10/2011	<u>16</u>	Unopposed Motion for a Pre-plea, Presentence Report for Criminal History Only by Jesus Torres-Chavez. (Christman, Leif) Modified text on 5/11/2011 (S,He). (Entered: 05/10/2011)
05/11/2011	<u>17</u>	Trial Order as to Jesus Torres-Chavez and Daniel Lopez scheduling trial on June 20, 2011, at 9:00 a.m.; motions to be filed by June 2, 2011; and a status conference is scheduled for June 9, 2011, at 3:00 p.m. Signed by Judge David D. Dowd, Jr. on 5/10/2011. (M,De) (Entered: 05/11/2011)

05/11/2011	<u>18</u>	Notice of Discovery Request as to Daniel Lopez (Weintraub, Craig) (Entered: 05/11/2011)
05/11/2011	<u>19</u>	Motion for Disclosure of Impeaching Information by Daniel Lopez. (Weintraub, Craig) (Entered: 05/11/2011)
05/11/2011	<u>20</u>	Motion for Pre-Plea Presentence Report for Criminal History Only by Daniel Lopez. (Weintraub, Craig) (Entered: 05/11/2011)
05/11/2011	<u>21</u>	Motion for Production of Favorable Evidence by Daniel Lopez. (Weintraub, Craig) (Entered: 05/11/2011)
05/12/2011		Order [non-document] DENYING <u>15</u> Motion as to Jesus Torres-Chavez for production of information relevant to computation of sentencing guidelines; and GRANTING <u>16</u> Motion as to Jesus Torres-Chavez for the preparation of a pre-plea presentence report as to defendant's criminal history only. Approved by Judge David D. Dowd, Jr. on 5/12/2011. (M,De) (Entered: 05/12/2011)
05/12/2011		Order [non-document] granting <u>20</u> Motion for a pre-plea presentence report for criminal history only as to Daniel Lopez (2). Approved by Judge David D. Dowd, Jr. on 5/12/2011. (M,De) (Entered: 05/12/2011)
05/18/2011		Order (non-document) as to Jesus Torres-Chavez and Daniel Lopez that due to a scheduling problem with the Court's interpreter, the status conference in this case is RESET to June 9, 2011, at 11:00 a.m. (Please note the change in time only). Approved by Judge David D. Dowd, Jr. on 5/18/2011. (M,De) (Entered: 05/18/2011)
05/25/2011		Order (non-document) as to Daniel Lopez requesting government respond to defendant's motions ECF # <u>19</u> and <u>21</u> by 4:00 p.m. on 5/27/2011. Approved by Judge David D. Dowd, Jr. on 5/25/2011. (M,De) (Entered: 05/25/2011)
05/26/2011	<u>22</u>	Response by United States of America to Motion for Production of Favorable Evidence <u>21</u> , Motion for Disclosure of Impeaching Information <u>19</u> as to Daniel Lopez (Schmitz, Joseph) (Entered: 05/26/2011)
05/31/2011	<u>23</u>	Order that the defendant Daniel Lopez (2) through counsel has moved for production of favorable evidence, docket # <u>21</u> and a motion for impeachment information, docket # <u>19</u> . The government has responded, see docket # <u>22</u> . The Court finds the government's response satisfies the government's obligation. Signed by Judge David D. Dowd, Jr. on 5/31/2011. (M,De) (Entered: 05/31/2011)
06/09/2011		Minutes of proceedings [non-document] before Judge David D. Dowd, Jr. Status Conference as to Jesus Torres-Chavez and Daniel Lopez held on 6/9/2011. AUSA Joseph Schmitz present on behalf of the government. Attorney Leif Christman present on behalf of defendant Jesus Torres-Chavez and attorney Craig Weintraub present on behalf of defendant Daniel Lopez. Interpreter Alvaro DeCola present. Status conference is continued to 6/20/2011 at 12:00 noon in Courtroom 442 before Judge David D. Dowd, Jr. Jury trial is rescheduled to 6/23/2011. (Court Reporter: George Staiduhar) Time: 20 minutes. (S,He) (Entered: 06/09/2011)
06/09/2011		

		Notice [non-document] as to Jesus Torres-Chavez and Daniel Lopez. Status conference continued to 6/20/2011 at 12:00 noon in courtroom 442 before Judge David D. Dowd, Jr. Jury trial rescheduled to 6/23/2011. (S,He) (Entered: 06/09/2011)
06/13/2011	<u>24</u>	Motion To Appoint Interpreter by Daniel Lopez. (Weintraub, Craig) (Entered: 06/13/2011)
06/13/2011	<u>25</u>	Marginal Entry Order granting <u>24</u> Motion for appointment of English/Spanish interpreter Bernardita Rojas to assist defense as to Daniel Lopez (2). Signed by Judge David D. Dowd, Jr. on 6/13/2011. (S,He) (Entered: 06/13/2011)
06/17/2011	<u>26</u>	Information to establish prior conviction as to Jesus Torres-Chavez (Schmitz, Joseph) (Entered: 06/17/2011)
06/21/2011		Minutes of proceedings [non-document] before Judge David D. Dowd, Jr. Joe Schmitz for the Government present. Leif Christman and Craig Weintraub for the defendants present. Alvaro DeCola, Interpreter present and sworn. Change of Plea Hearing as to Jesus Torres-Chavez and Daniel Lopez held on 6/20/2011. Plea entered by Jesus Torres-Chavez (1) of Guilty to Count 1 and Plea entered by Daniel Lopez (2) of Guilty to Count 1, with referral to Probation for preparation of a Presentence Investigation Report as to both defendants. Plea agreements executed. Sentencing set for 9/20/2011 at 12:00 noon in Courtroom 442 before Judge David D. Dowd Jr. (Court Reporter: Lori Callahan) Time: 70 Minutes. (M,De) (Entered: 06/21/2011)
06/21/2011		CJA 21 as to Daniel Lopez. Appointment of Bernadita Rojas as Expert Interpreter. Related document # <u>25</u> . Signed by Judge David D. Dowd, Jr. on 6/13/2011. (M,De) (Entered: 06/21/2011)
06/21/2011		Order (non-document) as to Jesus Torres-Chavez and Daniel Lopez scheduling sentencing in this matter for 9/20/2011 at 12:00 nooon. Approved by Judge David D. Dowd, Jr. on 6/21/2011. (M,De) (Entered: 06/21/2011)
09/14/2011	<u>27</u>	Motion to file Sentencing Memorandum under seal filed by Jesus Torres-Chavez. (Christman, Leif) Modified text on 9/15/2011 (S,He). (Entered: 09/14/2011)
09/16/2011	<u>28</u>	Order granting <u>27</u> defendant's Motion to file Sentencing Memorandum Under Seal as to Jesus Torres-Chavez (1). Signed by Judge David D. Dowd, Jr. on 9/16/2011. (M,De) Modified text on 9/19/2011 (S,He). (Entered: 09/16/2011)
09/16/2011	<u>29</u>	SEALED Document: <i>Sentencing Memorandum</i> filed by Jesus Torres-Chavez. Related document(s) <u>28</u> . (Christman, Leif) (Entered: 09/16/2011)
09/16/2011		Order (non-document) as to Jesus Torres-Chavez and Daniel Lopez. The sentencings previously scheduled for September 20, 2011, are hereby continued. The Court will reschedule the sentencings by separate order. Approved by Judge David D. Dowd, Jr. on 9/16/2011. (M,De) (Entered: 09/16/2011)
09/22/2011		Order (non-document) as to Jesus Torres-Chavez and Daniel Lopez. Sentencings RESET for 10/18/2011 at 1:15 p.m. in Courtroom 442 before Judge David D. Dowd Jr. Approved by Judge David D. Dowd, Jr. on 9/22/2011. (M,De) (Entered: 09/22/2011)

10/12/2011	<u>30</u>	Unopposed Motion to continue Sentencing Hearing scheduled for October 18, 2011 by Daniel Lopez. (Weintraub, Craig) Modified text on 10/13/2011 (P,G). (Entered: 10/12/2011)
10/14/2011		Order [non-document] granting defendant Daniel Lopez's Motion to continue the Sentencing Hearing and rescheduling Sentencing Hearings for both defendant Daniel Lopez and Jesus Torres-Chavez due to scheduling conflicts and the need to coordinate the services of an interpreter. (Related document ECF# 30 for Daniel Lopez). Sentencing date for both defendants is RESET to 11/2/2011 at 12:00 noon in Courtroom 442 before Judge David D. Dowd Jr. Approved by Judge David D. Dowd, Jr. on 10/14/2011. (M,De) Modified text and regenerated ECF to counsel on 10/14/2011. (M,De). (Entered: 10/14/2011)
11/02/2011		Minutes of proceedings [non-document] before Judge David D. Dowd, Jr. Joe Schmitz for the government present and Leif Christman for the defendant present. Interpreter Nikki Brown was present. Sentencing held on 11/2/2011 for Jesus Torres-Chavez. As to Count 1, defendant sentenced to the Custody of the Bureau of Prisons for a period of 70 months; 4 Years Supervised Release with Standard/Special Conditions; and \$100.00 Special Assessment; Count 2, is Dismissed Upon Motion of counsel for the government. (Court Reporter: Lori Callahan) Time: 20 minutes. (M,De) Modified text on 11/3/2011 (M,De). (Entered: 11/03/2011)
11/02/2011		Minutes of proceedings [non-document] before Judge David D. Dowd, Jr. Joe Schmitz for the Government and Craig Weintraub for the Defendant present. Interpreter Nikki Brown present. Sentencing held on 11/2/2011 for Daniel Lopez (2). As to Count 1, Defendant committed to the Custody of the Bureau of Prisons for a period of 46 months; 3 Years Supervised Release with Standard/Special Conditions; \$100.00 Special Assessment; and Counts 2 and 3, are Dismissed Upon Motion of Counsel for the Government. (Court Reporter: Lori Callahan) Time: 20 Minutes. (M,De) (Entered: 11/03/2011)
11/03/2011	<u>31</u>	Memorandum Opinion as to Jesus Torres-Chavez Analyzing the Sentencing Factors. Signed by Judge David D. Dowd, Jr. on 11/2/2011. (M,De) (Entered: 11/03/2011)
11/03/2011	<u>32</u>	Memorandum Opinion as to Daniel Lopez Analyzing the Sentencing Factors. Signed by Judge David D. Dowd, Jr. on 11/2/2011. (M,De) (Entered: 11/03/2011)
11/03/2011	<u>33</u>	Plea Agreement as to Jesus Torres-Chavez signed by Judge Dowd on 11/2/2011 and available to applicable parties only. (M,De) (Entered: 11/03/2011)
11/03/2011	<u>35</u>	Judgment as to Jesus Torres-Chavez (1) as to Count 1. Defendant sentenced to the Custody of the Bureau of Prisons for a period of 70 months; 4 Years Supervised Release with Standard/Special Conditions; \$100.00 Special Assessment; and Count 2, is Dismissed Upon Motion of counsel for the government. Signed by Judge David D. Dowd, Jr. on 11/3/2011. (M,De) (Entered: 11/03/2011)
11/03/2011	<u>36</u>	Judgment as to Daniel Lopez (2) as to Count 1. Defendant sentenced to the Custody of the Bureau of Prisons for a period of 46 months; 3 Years Supervised

		Release with Standard/Special Conditions; \$100.00 Special Assessment; and Count 2 and 3, are Dismissed Upon Motion of Counsel for the Government. Signed by Judge David D. Dowd, Jr. on 11/3/2011. (M,De) (Entered: 11/03/2011)
12/19/2011		CJA 20 as to Jesus Torres-Chavez with Authorization to Pay Leif B. Christman. Signed by Judge David D. Dowd, Jr. on 12/15/2011. (M,De) (Entered: 12/19/2011)
01/11/2012		CJA 20 as to Daniel Lopez with Authorization to Pay Craig T. Weintraub. Judge David D. Dowd, Jr. on 1/10/2012. (M,De) (Entered: 01/11/2012)
03/15/2012		CJA 21 as to Daniel Lopez with Authorization to Pay Bernardita Rojas for Expert Services. Signed by Judge David D. Dowd, Jr. on 3/12/2012. (M,De) (Entered: 03/15/2012)
03/15/2012		CJA 21 as to Jesus Torres-Chavez with Authorization to Pay Bernardita Rojas for Expert Services. Signed by Judge David D. Dowd, Jr. on 3/12/2012. (M,De) (Entered: 03/15/2012)
02/25/2015	<u>37</u>	Motion For Release of Sealed Document by Jesus Torres-Chavez. (Geist, Gregory) (Entered: 02/25/2015)
02/27/2015		Judge update in case as to Jesus Torres-Chavez and Daniel Lopez. Judge James S. Gwin added. Judge David D. Dowd, Jr. no longer assigned to case. (S,He) (Entered: 02/27/2015)
03/04/2015	<u>38</u>	Response by United States of America to Motion For Release of Sealed Document <u>37</u> as to Jesus Torres-Chavez (Pinjuh, Joseph) (Entered: 03/04/2015)
03/09/2015	<u>39</u>	Marginal Entry Order signed by Judge James S. Gwin on 3/9/15 as to Jesus Torres-Chavez. Defendant's motion for release of sealed document is granted. (Related Doc. <u>37</u> , <u>31</u>) (M,G) (Entered: 03/09/2015)
03/31/2015	<u>40</u>	Motion for Leave to File Motion for Sentence Reduction Under Seal by Jesus Torres-Chavez. (Geist, Gregory) Modified text on 3/31/2015 (H,KR). (Entered: 03/31/2015)
04/01/2015	<u>41</u>	Marginal Entry Order as to Jesus Torres-Chavez signed by Judge James S. Gwin on 4/1/15. Defendant's motion for leave to file motion for sentence reduction under seal is granted. (Related Doc. <u>40</u>) (M,G) (Entered: 04/01/2015)
04/03/2015	<u>42</u>	SEALED Unopposed Motion for Sentences Reduction under 18 USC 3582(c) (2) by Jesus Torres-Chavez. Related document <u>41</u> . (Attachments: # <u>1</u> Exhibit A-Certificates, # <u>2</u> Proposed Order)(Geist, Gregory) Modified text on 4/6/2015 (H,KR). (Entered: 04/03/2015)
04/14/2015	<u>43</u>	Amended Judgment Reducing Sentence - USSC Amendment as to Jesus Torres-Chavez signed by Judge James S. Gwin on 4/14/15. Defendant's sentence is reduced to 57 months. All other provisions of the 11/03/11 Judgment shall remain in effect. (M,G) (Entered: 04/14/2015)
09/24/2015	<u>44</u>	Probation Jurisdiction Transferred to Northern District of Illinois as to Daniel Lopez (2). Electronically transmitted Transfer of Jurisdiction form, indictment, and judgment. (M, S) (Entered: 09/24/2015)

09/24/2015	Notice to Northern District of Illinois of a Transfer of Jurisdiction as to Daniel Lopez (2). Your case number is: 15CR558. If you require a copy of the financial ledger for this defendant, please email your request to OHNDdb_Finance_Mailbox@ohnd.uscourts.gov. Using your PACER account, you may retrieve the docket sheet and any text-only entry via the case number link. The following document link(s) is also provided: 44 Transfer Out/Probationer , 36 Judgment , 12 Indictment . If you require certified copies of any documents, please send a request to ohndm1_InterDistrictTransfer@ohnd.uscourts.gov. If you wish to designate a different email address for future transfers, send your request to InterDistrictTransfer_TXND@txnd.uscourts.gov. (M, S) (Entered: 09/24/2015)
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Transaction Receipt			
09/24/2015 14:46:38			
PACER Login:	MarshGlennmarsh:4367397:0	Client Code:	
Description:	Docket Report	Search Criteria:	1:11-cr-00187-JG
Billable Pages:	9	Cost:	0.90

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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
Cleveland, Ohio

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

) INDICTMENT

Plaintiff,

)
CASE NO. 1:11CR187

v.

) Title 21, United States Code, Sections
JESUS TORRES-CHAVEZ,
DANIEL LOPEZ,

)

Defendants.

JUDGE DOWD

COUNT 1

The Grand Jury charges:

Beginning on or before March 31, 2011, and continuing up to and including April 4, 2011, the exact dates unknown, in the Northern District of Ohio, Eastern Division, and elsewhere, JESUS TORRES-CHAVEZ and DANIEL LOPEZ, the defendants herein, together with other co-conspirators not named herein as defendants, did unlawfully, intentionally, and knowingly combine, conspire, confederate, and agree together and with each other, and with diverse others known and unknown, to distribute and to possess with intent to distribute 100 grams or more of a mixture or substance containing a detectable amount of heroin, a Schedule I

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- 2 -

controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

All in violation of Title 21, United States Code, Section 846.

COUNT 2

The Grand Jury further charges:

On or about April 4, 2011, in the Northern District of Ohio, Eastern Division, JESUS TORRES-CHAVEZ and DANIEL LOPEZ did knowingly and intentionally attempt to possess with intent to distribute 100 grams or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(B), and Title 18, United States Code, Section 2.

COUNT 3

The Grand Jury further charges:

On or about April 4, 2011, in the Northern District of Ohio, Eastern Division, DANIEL LOPEZ did knowingly and intentionally possess with intent to distribute approximately 204 grams or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

A TRUE BILL.

Original document -- Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA

v.

Daniel Lopez

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:11CR00187

USM Number: 56938-060

Craig T. Weintraub

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) 1
- pleaded nolo contendere to count(s) _____ which was accepted by the court.
- was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21:941(a)(1) & (b)(1)(B) & 846	Conspiracy to Distribute Heroin & to Possess W/intent to Distribute Heroin	04/04/2011	1

 See additional count(s) on page 2

The defendant is sentenced as provided in pages through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

 The defendant has been found not guilty on count(s) _____ Count(s) II and III are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

November 2, 2011

Date of Imposition of Judgment

s/David D. Dowd, Jr.

Signature of Judge

David D. Dowd, Jr. U.S. District Judge

Name of Judge

Title of Judge

November 3, 2011

Date

Judgment Page: 2 of 7

DEFENDANT: Daniel Lopez
CASE NUMBER: 1:11CR00187

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

46 months with credit for time already served in federal custody.

The court makes the following recommendations to the Bureau of Prisons:

The defendant participate in the extensive drug treatment program and the Court recommends a Federal Correctional Institution as close to Chicago as possible.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before _____ on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

DEFENDANT: Daniel Lopez
CASE NUMBER: 1:11CR00187

Judgment Page: 3 of 7

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:
three (3) Years

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall comply with the Northern District of Ohio Offender Employment Policy which may include participation in training, education, counseling and/or daily job search as directed by the pretrial services and probation officer. If not in compliance with the condition of supervision requiring full-time employment at a lawful occupation, the defendant may be directed to perform up to 20 hours of community service per week until employed, as approved or directed by the pretrial services and probation officer.
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

"Upon finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision. These conditions have been read to me. I fully understand the conditions and have been provided a copy of them."

Dated:

Defendant

U.S. Probation Officer

DEFENDANT: Daniel Lopez
CASE NUMBER: 1:11CR00187

Judgment Page: 4 of 7

SPECIAL CONDITIONS OF SUPERVISION

General Educational Development (GED)

The defendant shall enter an adult program and work toward a Certificate of General Educational Development (GED) at the discretion of the U.S. Pretrial Services and Probation Officer.

Firearms and Dangerous Weapons

The defendant shall not possess a firearm, destructive device or any dangerous weapon.

Search and Seizure

The defendant shall submit his/her person, residence, place of business, computer, or vehicle to a warrantless search, conducted and controlled by the U.S. Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall inform any other residents that the premises may be subject to a search pursuant to this condition.

Gang

The defendant shall not associate with any members of the GANG NAME gang or any other gang or threat group as directed by the probation officer.

Drug Treatment and Testing

The defendant shall participate in an approved program of outpatient, inpatient or detoxification substance abuse treatment, which will include drug and alcohol testing to determine if the defendant has reverted to substance abuse.

DEFENDANT: Daniel Lopez

Judgment Page: 5 of 7

CASE NUMBER: 1:11CR00187

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS \$ 100.00	\$ 0.00	\$ 0.00

- The determination of restitution is deferred until _____ . An *Amended Judgement in a Criminal Case (AO 245C)* will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
TOTALS	\$0.00	\$0.00	

- See page 5A for additional criminal monetary conditions.
- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Daniel Lopez

CASE NUMBER: 1:11CR00187

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ _____ due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal installments of \$ _____ over a period of _____ (e.g., weekly, monthly, quarterly) (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal installments of \$ _____ over a period of _____ (e.g., weekly, monthly, quarterly) (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
 - A special assessment of \$ 100.00 is due in full immediately as to count(s) I
PAYMENT IS TO BE MADE PAYABLE AND SENT TO THE CLERK, U.S. DISTRICT COURT.
 - After the defendant is released from imprisonment, and within 30 days of the commencement of the term of supervised release, the probation officer shall recommend a revised payment schedule to the Court to satisfy any unpaid balance of the restitution. The Court will enter an order establishing a schedule of payments.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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15CR 558PROB.22
(Rev. 2/88)**TRANSFER OF JURISDICTION**DOCKET NUMBER (Trans. Court)
1:11CR187-002

DOCKET NUMBER (Rec. Court)

NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE:		DISTRICT	DIVISION	
LOPEZ, Daniel ND/IL		NORTHERN DISTRICT OF OHIO	Northern District of Ohio	
JUDGE ALONSO MAGISTRATE JUDGE COX		NAME OF SENTENCING JUDGE		
		David D. Dowd		
		DATES OF PROBATION/SUPERVISED RELEASE:	FROM 10/16/2014	TO 10/15/2014

OFFENSE

21:841(a)(1) & (b)(1)(B) & 846 Conspiracy to Distribute Heroin & to Possess W/intent to Distribute Heroin

PART 1 - ORDER TRANSFERRING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the Northern District of Illinois upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*

June 17, 2015

Judge Alonso

Date

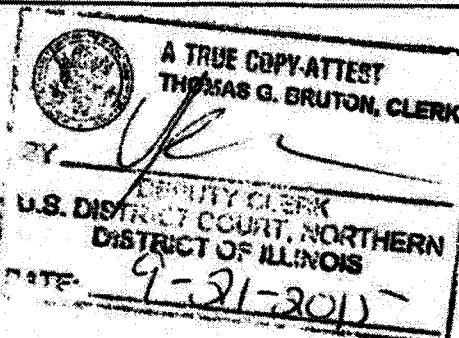
United States District Judge

*This sentence may be deleted in the discretion of the transferring Court.

PART 2 - ORDER ACCEPTING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE Northern District of Illinois

IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.

9/11/15
Effective Date*Judge Castillo*
United States District Judge**FILED**

SEP 11 2015

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT